

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ELLIOTT SIMON,

Civil No. 06-1737 (PJS/SRN)

Petitioner,

v.

ORDER

R.L. MORRISON, Warden,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated July 10, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is DENIED AS MOOT, in light of the BOP's policy change of assigning prisoners to CCCs without regard to 28 C.F.R. §§ 570.20 and 570.21; and DENIED, in part, to the extent that it seeks immediate transfer to a CCC.
2. Petitioner's motion for a Writ of Mandamus and Injunction (Doc. No. 2) is DENIED AS MOOT.
3. Petitioner's petition is dismissed.

Dated: July 30, 2006

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge